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SUBJECT: CWC: MEETINGS ON THE MARGINS OF THE CONFERENCE
OF THE STATES PARTIES (CSP 13) DECEMBER 1- 5, 2008

REF: THE HAGUE 1015

Classified By: Ambassador Eric M. Javits for reasons 1.4 (B) and (D)

This is CWC-61-08.

SUMMARY

¶1. (SBU) As always, the Conference of the States Parties offered a platform for a variety of meetings on its margins. The European Union hosted a day of meetings for National Authorities on December 1 that bridged the gap between the official National Authorities' meetings and the CSP; notable among its presentations were a session devoted to the UN Security Council Resolution 1540 and another by Sergei Batsanov on his new role in developing a working group on chemical security issues and combating chemical terrorism. Lithuania hosted a meeting December 3 on sea-dumped chemical weapons that engendered a lively discussion.

¶2. (C) The U.S. delegation had bilateral meetings with delegations from the United Kingdom, Israel, India, Libya and Iraq. Delreps also met with Krzysztof Paturej, the Director of Special Projects for the Technical Secretariat (TS), on his plans for promoting chemical security. The French hosted both a dinner (December 2) and a lunch (December 4) with representatives of close allies to discuss issues of mutual interest. Delreps met bilaterally with representatives of the UK, Canada, Greece, Kuwait and Germany to discuss the status of each Host Country Agreement.

¶3. (U) This report accompanies the wrap up for CSP-13 (reftel) and will be followed by another report on the meetings of Department of Commerce Director Doug Brown.

EU Day for National Authorities

14. (U) On Monday, December 1, the EU hosted an additional day for National Authorities. The meeting focused on industry and implementation related topics, and was well attended. Mr. Berhanyun Andemicael, a member of the UN 1540 Committee, gave a lunchtime presentation on the ways in which implementation of the CWC complements UNSCR 1540 implementation. Thanks to the make-up of the audience (national authorities and industry experts, as opposed to local delegations), the presentation met with less political resistance than a 1540/terrorism discussion at the OPCW ordinarily would, and questions were pragmatic and implementation-focused.

15. (U) Sergei Batsanov, a former member of the OPCW Secretariat, also explained his new role as a contracted advisor to the OPCW in developing a working group for enhancing chemical security at industry sites and combating chemical terrorism. The working group is to be formed next year, bringing together State Party representatives and chemical industry experts to determine how best to address these topics. Among several possible approaches, Batsanov plans to discuss these topics in the framework of Article X and XI.

Bilateral Meeting with the UK Delegation

16. (C) On December 2, Delreps met with the UK delegation to discuss Iraqi accession to the CWC and other issues. On Iraq, the delegations briefly discussed the upcoming visit by U.S. officials to Iraq to review CWC and National Authority obligations and the proper handling and reporting of recovered CW munitions in Iraq. UK MOD rep Clive Rowland asked what format the U.S. intended to use to present its own finds, and noted that continued coordination of U.S. and UK presentation strategy would be critical, particularly given the difference between the U.S. and UK in the legal basis being used for recovery and destruction of CW. Rowland also asked about a cover letter for declarations. Delrep said that the U.S. will likely use the standard OPCW form for declarations, and noted that the U.S. has not sent any letters to the TS since the initial letter informing the OPCW of ongoing recoveries. The UK also raised the difficulty of handling supplier country issues after Iraq submits its initial declaration. Delrep noted that the UNSCOM "Full, Final, and Complete Disclosure," which contains these details, had just been posted on the internet.

17. (C) The UK also asked whether the U.S. position on incapacitants had changed or been further developed. Having received several detailed questions from British groups following the Second Review Conference, the UK is working on an options paper to lay out possibilities for a constructive way forward. Delegations discussed the fact that NATO and SIPRI papers dealing with this subject had recently been published, and that the DG had mentioned in his EC-54 statement that the Secretariat was working on a paper.

Lithuanian Presentation on Sea-Dumped Chemical Weapons

18. (U) During the lunch break December 3, the Lithuanian Ambassador hosted a meeting to discuss chemical weapons dumped in the Baltic Sea. While the meeting was not officially part of the CSP, the OPCW did publish it on its official daily Journal and lent

space for the meeting at the World Forum alongside the CSP. Ambassador Verba began the hour long meeting with a brief introduction on the importance of this issue to the Baltic Region for health, safety, environmental, and security concerns. He made it clear that he hoped that the OPCW could be used simply as a forum for interested State Parties to voluntarily discuss and share information on this issue. A Lithuanian MFA official provided a PowerPoint presentation on the outcome of the Vilnius seminar on this topic, followed by an abbreviated version of the TS presentation at that seminar outlining what the TS can and can not do regarding chemical weapons dumped in the sea. This presentation clearly stipulated that the chemical weapons dumped in the Baltic are not/not subject to the Convention, unless and until they are surfaced, at which time they must be declared and then verifiably destroyed.

¶9. (U) A Polish representative delivered a prepared statement offering support to Lithuania, stating that the OPCW can and should serve as a forum for voluntary cooperation on this issue. A Russian delegate commented that her country was frankly surprised that this issue was even raised at the CSP and argued that the OPCW was an inappropriate forum to hold such discussions. Paul Walker, a representative of Global Green, stated that sea-dumped munitions, not just chemical, were a big issue facing the United States; he argued that governments are reluctant to discuss this issue, which he ranked third behind stockpiled weapons and buried munitions

as a concern. Delrep intervened, drawing on the presentations made at the Vilnius seminar, that the scientific evidence presented concluded that the weapons are best left where they are -- remaining at the bottom of the ocean. Delrep noted that where the presentations in Vilnius differed was on the impact of "commercial activity" on the integrity of these weapons.

¶10. (U) The Lithuanian Ambassador concluded the meeting by urging delegations to look for other opportunities and within other international organizations to continue to discuss the impact of sea dumped CW in the Baltic Sea.

Bilateral Meeting with the Israeli Delegation

¶11. (C) On December 3, ISN/CB Director Mikulak, Commerce Treaty Compliance Division Director Brown and Delreps met with the Israeli delegation, attending the CSP as observers. Participants from Israel included Tamar Rahamimoff-Honig (Deputy Director, Arms Control Department, MFA), Tali Messika (CBRN Policy and International Cooperation, Systems and Technology Bureau, MOD) and Yair Even (DCM at the Israeli Embassy in The Hague). Rahamimoff-Honig asked about the state of a number of OPCW issues, including budget discussions, non-proliferation and the recent trend to openly discuss the possibility of voting. She also mentioned Lebanon's accession to the CWC as part of its broader approach recently to disarmament issues, and asked whether the TS was aware of possible CWC-related activities on the Syria/Lebanon border. Referring to reports of pressure on Lebanon not to accede to the Convention, Rahamimoff-Honig also asked if similar pressure was being exerted on Iraq. She also asked about whether Egypt or Syria had signaled a change in policy towards accession.

¶12. (C) On the topic of terrorism, delegations

discussed the slow progress of the Open-ended Working Group on Terrorism, and Mikulak shared U.S. views on using the OPCW as a discussion forum for issues related to chemical safety and security. On destruction, Delrep noted that while discussion of 2012 did not dominate the Review Conference as expected, it is likely to take center stage again in the near future. Mikulak also noted that, in addition to a future shift in OPCW verification activities from destruction to non-proliferation, the OPCW needs to adapt in general to the evolving security environment.

¶13. (C) Rahamimoff-Honig asked about additional restrictions on Schedule 3 chemicals; Mikulak assured her that the issue had been dormant and will likely remain so. On universality, he noted that the U.S. is not convinced of the benefits of repeated workshops and sought Israeli views. Israel noted that there is some value, but not when discussions at the workshop become overly politicized. Finally, the delegations discussed the fact that the process for selecting a new Director General will need to start early next year.

Meeting with TS Office of Special Projects

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¶14. (SBU) Directors Mikulak (ISN/CB) and Brown (DOC/BIS), accompanied by Delreps Robinson and Weekman, met with Krzysztof Paturej, Director of the Office of Special Projects, on December 4, 2008, to discuss his ideas for the role of the OPCW in advancing chemical safety and security issues. Paturej explained that

the OPCW can contribute to enhancing chemical safety and security at chemical facilities, developing the role of the OPCW as platform of support for global cooperation in this area. Such support could include reducing the chemical threat by promoting awareness of chemical security best practices and fostering cooperation between chemical professionals and related industrial associations. Paturej made clear that there would be 3 key areas in which the OPCW would have NO involvement:

- no independent role,
- no (additionally hired) internal expertise on chemical safety and security, and
- no inclusion of chemical safety and security issues in the inspection and verification aspects of the OPCW mission.

In the course of discussion, Delrep recommended that a fourth "red line" be added: no establishment of regulatory standards on chemical safety and security. Paturej concurred that the proposed fourth redline should be added. In addition, a fifth was added later in the week: the OPCW will not provide guidance to States Parties on chemical safety and security issues.

¶15. (SBU) Paturej also outlined his vision for the OPCW's role in chemical safety and security for the 2009) 2012 timeframe. Paturej argued for the creation of a "core group" that is politically balanced with representation from all regions and consisting of substantive experts and representatives from chemistry councils. The core group, over several years, would work toward the creation of a global network on chemical safety and security. Delreps advised Paturej that the name "core group" would likely need to be changed to reflect a more inclusive nature (vice exclusive). While no name for such a group was proposed, Paturej took the comment on board.

¶16. (SBU) Paturej proposed that the coming year would be utilized to get organized, gain experience, promote external activities and host an OPCW activity on chemical safety and security in a key country. The 2009 National Authorities Meeting could also have a module on the agenda devoted to chemical safety and security where views, experiences, and best practices would be exchanged. Over time, the National Authorities could be the gateway to national agencies, could provide information on chemical safety and security issues, and serve to establish links with other relevant regimes. Delrep commented that it would be important to ensure that the right experts, including counterterrorism experts, are invited to participate in events. The U.S. Del made no commitments to any of Paturej's proposed concepts, and informed him that they needed to carefully review the papers he passed to them.

Quad Dinner and Quad Lunch

¶17. (SBU) French delegate Annie Mari hosted a dinner on December 2 for representatives of close allies to meet the new National Authority for France, Jacques Raharinaivo. DOC Director Brown and Delrep Beik attended for the U.S. Discussion was broad-based as Raharinaivo is quite new in the job, but focused on Qindustry issues, including the site selection for inspections of Other Chemical Production Facilities and experiences with Sampling and Analysis by the TS. The group also discussed the selection process for the new Director General.

¶18. (SBU) On December 4, Amb. Javits, ISN/CB Director Mikulak, and Delrep Robinson attended a French-hosted

lunch for the Close Allies. Amb. Javits and others discussed the period of transition the OPCW will enter as destruction winds down, and what this will mean for the Organization in terms of focus and staffing. Delegations also discussed the selection of a successor for the current Director General. There was general agreement that DG Pfirter has done very well, and been supportive of Western interests, and that finding an equally capable replacement will be critical. There was some discussion of the general timing and sequence of events leading up to the selection of a new DG, as well as a speculation about what would happen if the EC was unable to present a consensus candidate to the CSP in 2009.

Bilateral Meeting with Libyan Delegation

¶19. (SBU) On December 4, Delrep met with Libyan National Authority representative Dr. Hesnawy to follow up on several issues discussed on the margins of EC-54. On the conversion of the former production facility at Rabta, Dr. Hesnawy said that the site had been visited by the Technical Secretariat (TS) the week of November 24. The TS indicated that the conversion was farther along than has been reported by the Libyans (specifically at the last session of the Destruction Informals prior to EC-54). Hesnawy said that this was due to the difference in TS and Libyan methods of assessing progress/completion. The Libyans will only report complete conversion when the facility involved is in working order. The TS views completion as occurring at the point where all the units are simply installed.

20.(SBU) On progress toward destruction of Libya's CW stockpile, Dr. Hesnawy indicated that the final engineering review of the mustard dilution and tankage equipment at the Ruwagha storage site has

been completed and that dilution and tanking of the solution will begin January 17. The solvent may be either naphtha or kerosene; the decision has not yet been made. The construction of the Rabta CWDF is being worked on two tracks. The infrastructure that is being put in by Libyan contractors is underway at Rabta. The Italian firm SIPSA is assembling the chemical process units and incinerator in Italy. The incinerator, which is the critical unit, is not yet completed. Hesnawy plans that the Rabta CWDF will be completed and ready for final engineering review September 2009 and that startup will occur March 2010. He expects to easily meet the May 2010 1% destruction deadline.

21. (SBU) The Libyans are also planning to construct additional facilities to produce Active Pharmaceutical Ingredients (API). These new facilities will utilize the proliferation sensitive equipment currently stored in Tripoli that has been of concern to the Trilateral Steering and Coordination Committee (TSCC) since 2003. Hesnawy said that the API tri-venture between Pfirter, Oman and Libya is still in the planning stage. He said negotiations with Indian nationals representing Pfister have been difficult. He has no idea when an agreement will be reached. The Rabta complex remains the likely location for the enterprise due to available common infrastructure.

22. (SBU) Regarding the Libyan Nuclear and Chemical Defense School at Tajura, Dr. Hesnawy said that he had made enquiries about its completion status in response to U.S. questions on the margins of EC-54. He said he has not been able to get responses from the "other ministries" and suggested that the U.S. might want to make the inquiry via the U.S. embassy in Tripoli or through the agency the TSCC.

Bilateral Meeting with Iraqi Delegation

23. (SBU) Delrep met with Iraqi First Secretary Abbas Fadhil Al-Khafaji to enquire about the status of the Iraqi CWC accession process. Mr. Al-Khafaji said that the articles of accession were completed and that the cover letter was awaiting signature by an official in the President's office or the Ministry of Foreign Affairs. He had no idea when signing would occur.

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Host Country Agreements on Challenge Inspections
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24. (SBU) DOD Rep Deborah Ozga and Delrep met with several States Parties to discuss the status of bilateral agreements on the conduct of challenge inspections.

25. (SBU) UK: The UK presented the U.S. with a paper in response to the US cable of Feb 2008, providing clarifications as necessary. The UK was generally pleased with the language that the U.S. proposed on engagement with public affairs coordination and requested a minor amendment. The UK also expressed appreciation for the US explanation of their approach to sampling and offered language based on the U.S. cable. The U.S. delegation noted that the amendments seemed to be workable. The language proposed on the sampling appeared to be a basis from which the U.S. could work, and will be taken back to capital for further review.

26. (SBU) Canada: Del met with Canadian representatives James Junke, Adrian Ghita-Duminica

and Don Neill. The U.S. expressed appreciation for Canada's response to the most recent U.S. proposal. and asked for clarification as to how the U.S. would engage with the OPCW when its assets were involved in a challenge inspection. The Canadian delegation provided an explanation based on Canadian CWC legislation, noting that their Host Team leader would be the point of communication but that the U.S. would be integrated in host team and sub-team activities. The Canadians requested the document be left as an exchange of notes, as a binding document would have to go through the Canadian Parliament. The U.S. Del noted that the U.S. could be flexible on this matter.

¶27. (SBU) Greece: The U.S. briefly spoke with Prof Ioannis Seimenis of Greece, who noted that the Greek government was still reviewing the U.S. proposal.

¶28. (SBU) Kuwait: The U.S. reviewed a series of translation questions with the Kuwaiti representative Salem Shibli. There appeared to be very few problems, with the exception of the translation of the paragraph concerning sovereign vessels. Mr. Salem noted he would need to review and requested that the scheduled meeting in Kuwait revisit the matter.

¶29. (SBU) Germany: The German delegation explained that they had not circulated the draft within their relevant ministries because of staff turnover, so they did not have national position. They did note that their main concern was the definition of assets. The U.S. delegation explained why "facility" was too limited and suggested that additional language could be crafted on consultations regarding the other State Party's assets caught in an inspection. The German delegation expressed appreciation for the explanation and said the explanation helped to clarify the issue. They indicated that they would work the matter expeditiously.

¶30. (U) Javits sends.
CULBERTSON